

November 19, 2013

United States Nuclear Regulatory Commission
Attn: Mr. Andrew Persinko, Deputy Director
Division of Waste Management and Environmental
Protection
Office of Federal and State Materials and Environmental
Management Programs
Washington, D.C., 20555-0001

SUBJECT: Public Meeting Request and Update on Pilot Project in the State of Wyoming

Dear Mr. Persinko:

I am writing to you on behalf of Mineral Ablation, LLC ("MA"), a Joint Venture between Black Range Minerals and Ablation Technologies, LLC, to provide you with a status update and advise you of our plans for developing the ablation technology. MA is aware of several inquiries that have been made by the State of Colorado and other interested stakeholders regarding the potential legal/regulatory interpretations regarding the use of ablation technology as a critical step in the mining process. To that end, MA respectfully requests a public meeting with the United States Nuclear Regulatory Commission (NRC) Staff and its Office of the General Counsel (OGC) to provide a detailed technical and legal/regulatory presentation regarding ablation technology, if applicable, its place in NRC's regulatory jurisdiction. If possible, MA would like to meet with NRC Staff and OGC either the week of December 9th or 16th, 2013. Any assistance you can provide in selecting an appropriate date for this presentation would be greatly appreciated.

After this meeting, MA will submit a detailed legal/regulatory letter to NRC Staff and OGC for its consideration of the ablation technology and its place in the mining process with respect to the Atomic Energy of 1954 as amended by the Uranium Mill Tailings Radiation Control Act of 1978. In this letter, MA will offer detailed historical and legal/regulatory explanations of its position on these potential interpretations, and such explanations will be a significant portion of the presentation during the aforementioned requested public meeting.

Further, recent inquiries from interested stakeholders in the State of Wyoming center upon a proposed development trial of the ablation technology at the MA operated development facility in the State of Wyoming. As NRC is aware, all new technologies require development trials to confirm that they are viable for commercial-scale operations. This development trial is merely another step in the technology development process and is not designed to pursue active uranium recovery operations.

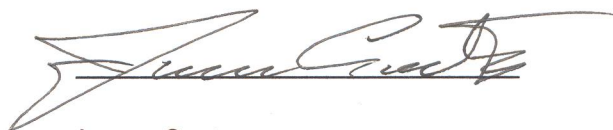
MA wishes to inform NRC that it plans to proceed with the aforementioned development trial in Wyoming in the very near future to continue the technology development

process. As has been discussed previously, MA maintains that the use of ablation at a uranium *mine* site constitutes part of the *mining* process as a type of technologically advanced sieving method and does not fit the definition of "uranium milling" in 10 CFR Part 40.4 or "source material processing." As a result, the proposed MA development trial, or any future commercial scale usage of ablation, does not generate 11e.(2) byproduct material and does not require any form of NRC or Agreement State license to proceed. This position will be the main focus of the legal/regulatory portion of the aforementioned presentation.

However, even if NRC Staff were to take a position that the use of ablation technology constitutes "source material processing" requiring a general or specific source material *only* license (i.e., no 11e.(2) byproduct material), the proposed development trial will not generate sufficient quantities of source material to meet NRC specific license limits applicable to MA. MA is aware that in August of 2013, NRC issued a new final rule regarding amendments to previous 10 CFR Part 40.22 general license limits reducing the threshold for a specific license from fifteen (15) pounds of source material at any one time or one-hundred fifty (150) total pounds in any one calendar year to 3.3 pounds of source material at any one time and 15.4 pounds in one calendar year. See 78 Fed. Reg. 32310 (May 29, 2013). However, as noted in the final rule, entities having engaged in the generation of source material under the previous "15/150" general license threshold are permitted to continue such activities until one (1) year from the final rule's effective date of August 27, 2013, thus putting this "grandfather" provision date at August 27, 2014. MA has engaged in limited small bench scale trials of ablation technology over the past 4 years and has generated material in quantities well-below the 15 pounds at any one time threshold in each instance. Taken together over the past 12 months, MA also has not generated material in quantities exceeding the 150 pounds in one calendar year threshold. Thus, based on the final rule's language and even if NRC Staff were to argue that ablation constitutes source material processing, MA would need nothing more than a general license to proceed with this development trial in Wyoming.

MA appreciates the opportunity to present this information to NRC Staff and respectfully requests that NRC Staff consider scheduling a public meeting on the dates proposed above. MA thanks NRC Staff for their time and consideration of this matter and we look forward to meeting with you.

Respectfully Submitted,



James Coates
Managing Member
Mineral Ablation, LLC